

# Licensing Sub Committee



Tuesday, 8 March 2022 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

## Supplemental Agenda

This meeting is open to the public to attend.

### Further Information

For further information including Membership of this body and public information see the main agenda.

#### Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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**Licensing Sub Committee**

**Tuesday, 8 March 2022**

**6.30 p.m.**

**PAGE  
NUMBER(S)**

**3 .1 Application for a New Premises Licence for (The Vaults) Ivory  
House, St Katherine's Dock, East Smithfield, London E1W 1BP**

**3 - 34**

Supporting documents submitted on behalf of the Applicant.

# **Application for a Premises Licence**

**Ivory House**

**St Katharine Docks**

**East Smithfield**

**London E1W 1BP**

# **Dispersal Policy incorporating Noise Management and Proposed Conditions.**

March 2022

## 1 Introduction

- 1.1 This document is submitted in support of an application for a Premises Licence for Ivory House, St Katharine Docks, East Smithfield, London E1W 1BP (“**the Premises**”). All relevant staff will be trained in its implementation.
- 1.2 The applicant is committed to a high standard of professional and responsible management. The implemented management systems will ensure that the Premises is operated successfully, and sympathetically to local residents.
- 1.3 The controls set out in this document and corresponding Premises Licence (subject to grant) place emphasis on the promotion of the Licensing Objectives.
- 1.4 The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal of customers.
- 1.5 The standard operating hours sought are as follows:

	Sale of Alcohol	Plays, Films, Performance of dance, Live & Recorded Music and anything similar	Late Night Refreshment	Opening Hours
<b>Monday to Saturday</b>	10:00 – 00:00	10:00 – 00:00	23:00 – 00:00	10:00 – 00:30
<b>Sunday</b>	12:00 – 23:30	10:00 - 00:00	23:00 – 23:30	10:00 - 00:30

- 1.6 The Premises are situated on St Katharine Dock, a live marina. The area has mixed uses, including restaurants, bars, retail and residential in the close vicinity. There are various transport options nearby.
- 1.7 The applicant is keen to establish a positive and communicate relationship with local resident and amenity associations. The applicant has met the Friends and is keen to continue a productive dialogue, both now, and in the long term to ensure the Premises and its neighbours can positively coexist and comments on this Dispersal Policy are welcome.
- 1.8 At the request of the Police, the Premises shall join a local Pub Watch/local crime reduction scheme approved by the Police.

## 2 Planned Management Measures for Control of Noise

### Executive Summary

- 2.1 The main entrance point for customers shall be the Tower Bridge Road entrance to the docks. Guests will be encouraged to depart the Premises via Star Gate (best located for taxis); guests will also be able to depart via Tower Bridge Road.
- 2.2 The departure of customers will be managed in accordance with a Dispersal Policy, such as that at section 4 of this document. The management controls set out in the Dispersal Policy are designed to ensure all customers leave the area as quickly and as quietly as possible.
- 2.3 The applicant is mindful of the comments made by residents, particularly in relation to noise disturbance and anti-social behaviour of visitors to the area. The Premises will not sell food for takeaway or delivery, nor will outside tables or chairs be permitted, thereby eliminating disturbances often associated with such activities. Off sales will be restricted to sealed containers only and shall not be consumed on the Premises.

### Prevention of Noise and Vibration

- 2.4 Management controls are included in the Dispersal Policy at section 4 and the Deliveries, Collection and Servicing Procedures at section 5 of this document. The objective of these procedures are to ensure local residents are not disturbed by noise from the Premises in accordance with Policy PN1.
- 2.5 The following conditions will apply:
- 2.5.1 *“Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.”*
- 2.5.2 *“Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to **10 persons at any one time**. Smokers will be directed to smoke in a designated area near the Elephant Gates.”*
- 2.5.3 *“No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.”*

- 2.5.4 *“A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.”*
- 2.5.5 *“Noise Limiter must be fitted to the musical amplification system set at a determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.”*

### 3 General Operational Controls

3.1 The applicant's management team takes their responsibilities as a neighbour very seriously. Management controls shall include:

3.1.1 Extensive employee induction and on-going refresher training, including:

3.1.1.1 Responsibilities in the local area and towards local residents.

3.1.1.2 Customer care and hospitality.

3.1.1.3 Complaint handling.

3.1.1.4 Food Safety.

3.1.1.5 Health and Safety.

3.1.1.6 Fire Safety.

3.1.1.7 Obligations under the Licensing Act 2003.

3.2 Operational procedures to mitigate nuisance in the local area, including:

3.2.1 Regulated entertainment limited to indoors only. An acoustic report is also in the process of being prepared, which will include an assessment from an adjacent residential property.

3.2.2 Noise limiter (see above).

3.2.3 No external tables and chairs. No glasses permitted outside of the Premises.

3.2.4 Controlled management of the arrival and departure of customers, including direction away from the lobby entrance to Ivory House on exit and encouragement of customers to disperse quickly and quietly to their onwards direction of travel.

3.2.5 Effective use of assertive security personnel to ensure guests leave the area quietly and address any unacceptable noise arising from the dedicated smoking area.

3.2.6 Entrance system – the size of the Premises allows customers to be brought inside quickly. Any queues formed will be managed alongside the front of the Premises

entrance and pathways will be kept clear of customers. There shall be no obstruction to the residential lobby.

3.2.7 Sympathetic servicing of the Premises, with deliveries kept to a minimum.

3.2.8 Internal CCTV coverage including full frontal imaging of anyone entering the Premises. At any given time, there will be at least one member of staff on duty who is fully trained to operate the CCTV system.

## **4 People Arriving, Departing & in the Vicinity**

### **Dispersal Policy**

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 4.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 4.3 Despite the Premises' dockside location, employees are made aware that local residents live close by.
- 4.4 This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

#### **Entrances and Exits**

- 4.5 The main entrance/exit of the Premises is located on Tower Bridge Road/Star Place respectively. These will be managed by reception staff inside the Premises during busy periods where deemed necessary.
- 4.6 In the event of an emergency, a full fire evacuation plan will be in place.

#### **Dispersal**

- 4.7 It is anticipated there will be a natural dispersal of patrons throughout the evening in line with breaks in performance times when events are taking place. Customers are expected to depart the Premises in a gradual and controlled manner until close where events such as exhibitions, product launches and indoor markets are taking place.
- 4.8 All licensable activities will cease 30 minutes prior to the terminal hour with any customers remaining at that time leaving the Premises in a gradual and controlled manner until close.
- 4.9 Towards closing time the following measures, where appropriate, are taken to ensure a gradual and quiet closure of the Premises:
  - 4.9.1 Raised lighting levels.

4.9.2 Politely reminding customers the Premises is about to close.

4.9.3 Asking customers if they require a taxi and advising customers to wait inside the Premises.

4.10 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

4.11 Where appropriate, customers will be directed to nearby transport links and requested to leave quietly.

#### **SIA Requirement**

4.12 SIA licensed door supervisors shall be on duty at the Premises at all times whilst it is open and carrying out licensable activities and they must correctly display their SIA licences when on duty so as to be visible.

#### **Transport**

4.13 Customers arrive and depart by various modes of transport, including by foot and private car.

4.14 The Premises are serviced by various public transport options, as set out below. All staff will be familiar with the transport links so they can advise customers when required.

#### **Tube**

4.15 Tower Hill (Circle & District Lines) is located within a 7 minute walking distance of the Premises and the final trains Monday to Saturday run until around 0:30 and Sundays until around midnight, which are within the proposed opening hours.

4.16 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

#### **Rail**

4.17 The Premises is also within a 7 minute walking distance of Tower Gateway (Dockland Light Railway).

#### **Buses**

4.18 The Premises is serviced by public buses. TFL bus services, including night buses, go to a variety of destinations throughout London from nearby bus stops.

4.19 Nearby bus routes include: 100, 108, N551

**Taxi**

4.20 Black cabs are readily available right through the day and night in the area.

4.21 Staff will assist customers calling a taxi if required and the Premises shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers .

**Private Car Service**

4.22 The Premises will recommend a private car booking service. In the event a customer wants to book a car home, the customer will be requested to wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

**Thames River Services**

4.23 Tower Bridge Quay river services is a 6 minute walk from the Premises.

## 5 Deliveries, Collections & Servicing

- 5.1 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the premises. Late night and early morning delivery and collection times will be avoided wherever possible, to avoid disturbing local residents.
- 5.2 Servicing vehicles shall be encouraged to load and unload goods quietly and quickly so as to ensure vehicle waiting time is limited. Drivers shall be requested to turn engines off when delivering to reduce noise and pollution.
- 5.3 The following, inter alia, conditions are also proposed:
- 5.3.1 *“No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 and 09:00 hours on the following day.”*
- 5.3.2 *“No deliveries to the premises shall take place between 21:00 and 09:00 on the following day.”*

## 6 Closing Procedure

- 6.1 Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure promotes a quick and quiet closure of the Premises.
- 6.2 Management controls include:
- 6.2.1 Ensuring all customers will be off the premises by the authorised closing times.  
There are no exceptions to this rule whatsoever.
  - 6.2.2 A prompt clean and clear up of the Premises as soon as possible after closure.
  - 6.2.3 Employees must leave the Premises quickly and quietly, at all times following the Dispersal Policy set out above.
  - 6.2.4 Employees are not permitted to loiter outside the Premises after closing.
  - 6.2.5 The area immediately outside the Premises shall be swept and cleared, with litter and sweepings collected stored in accordance with the approved refuse storage arrangements by close of business

## 7 Proposed Conditions

### Conditions consistent with the Operating Schedule

- 7.1 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 7.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 7.3 When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
- 7.4 All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and at intervals during the year.
- 7.5 An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
- all crimes reported to the venue;
  - all ejections of patrons;
  - any complaints received concerning crime and disorder
  - any incidents of disorder;
  - all seizures of drugs or offensive weapons;

any faults in the CCTV system, searching equipment or scanning equipment;

any refusal of the sale of alcohol;

any visit by a relevant authority or emergency service.

7.6 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

7.7 In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

the police (and, where appropriate, the London Ambulance Service) are called without delay;

all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

7.8 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

7.9 The premises shall have written Security, Drugs and Dispersal policies, that are reviewed yearly or after any serious incident. Such policies are to be written in consultation with Central East Police Licensing and made available to statutory authorities including the Police upon request.

7.10 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

7.11 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time. Smokers will be directed to smoke in a designated area near the Elephant Gates.

- 7.12 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
- 7.13 A Management Plan shall be agreed with the landlord and reviewed at least every six months. It shall be available for inspection at all times by any of the statutory authorities.
- 7.14 A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open and carrying out licensable activity and they must correctly display their SIA licences when on duty so as to be visible.
- 7.15 All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- 7.16 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 7.17 Food will not be sold for takeaway or delivery.
- 7.18 ~~No outside tables or chairs shall be permitted.~~ (replaced with 7.25)
- 7.19 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 7.20 The maximum capacity of the premises shall be 450 (excluding staff).
- 7.21 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 09.00 hours on the following day.
- 7.22 ~~No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.~~ (amended by 7.26)
- 7.23 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

## **Additional conditions which have been agreed (or not when shown in strike-thru)**

- 7.24 Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises. The Licensee shall implement an external area supervision policy and a dispersal policy, a record of which shall be kept on the premises and made available for inspection to the licensing authority and the police.
- 7.25 All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose (including tables, chairs, benches, heaters, canopies or any similar structures) save for access and egress and for access to the designated smoking area by the elephant gates.
- 7.26 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 09.00 hours on the following day.
- 7.27 A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 7.28 Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 7.29 All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- ~~7.30 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.~~

- 7.31 There shall be no admittance or re-admittance to the premises after 22:30 hours Monday to Saturday and 22:00 hours Sunday except for patrons permitted to temporarily leave the premises to smoke.
- 7.32 There shall be no sales of alcohol for consumption off the premises after 23.00.
- 7.33 There must be at the premises a lockable drugs box to which no member of staff, save the DPS and/or named designated person, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.
- 7.34 A risk assessment is conducted regarding upcoming events and depending on the risk(s) identified, appropriate SIA numbers are implemented accordingly.
- 7.35 The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers.
- 7.36 As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pub watch or other local crime reduction scheme approved by the police.
- 7.37 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 7.38 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the “designated area” should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.
- 7.39 The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance

or obstruction to the walkways and common areas in the Dock. Queuing outside the premises shall be restricted to a designated area to be agreed between the landlord and the applicant.

7.40 All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

7.41 No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section: 'Directly' means - employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means - the area.

~~7.42 A minimum of 2 SIA licensed supervisors shall be on duty at the premises at all times whilst it is open to the public and they must correctly display their SIA licence when on duty so as to be visible. (see 7.14)~~

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**IVORY HOUSE  
ST KATHARINE DOCKS  
EAST SMITHFIELD  
LONDON E1W 1BP**

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**SUMMARY OF PROPOSALS**

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**THOMAS & THOMAS PARTNERS LLP  
38A MONMOUTH STREET  
LONDON  
WC2H 9EP**

**Reference: AT/DOC.1.1  
Solicitors for the Applicant**

## INTRODUCTION

1. This is an application for a Premises Licence for Ivory House, St Katharine Docks, East Smithfield, London E1W 1BP ("**the Premises**")
2. The Premises were previously licensed until **9 November 2020** under premises licence number 12681 at which time that licence lapsed due to the insolvency of the then licence holder. This application replicates the hours previously held and proposes further and comprehensive conditions as part of the Operating Schedule (as further amended) which are considerably more restrictive than the lapsed licence that both promote the licensing objectives and acknowledge and address the comments and concerns of residents.
3. The Premises shall operate as an event venue including restaurant and bar. Events will include, amongst other things, art exhibitions, immersive theatre, corporate events, comedy nights, computer gaming competitions, product launches and indoor markets.

## THE APPLICANT

4. Dockside Vaults Limited is the applicant company. The company has three directors: Benjamin Gamble, Paul Mendoza and Stephen Williams, all of whom have extensive experience in the hospitality industry, and in particular events sites such as Southbank's County Hall (London Aquarium/London Film Museum), The Paris Aquarium and Harry Potter merchandise shops worldwide pre-Warner Bros.
5. Events and exhibitions within the portfolio of experience includes a 5 month Nelson Mandela Exhibition & Richard Hambleton Art Exhibition at Waterloo Arches, immersive theatre show in Liverpool Street, a graffiti inspired pop up with Banksy's original Giant Rat artwork, immersive acting at the O2's Mamma Mia The Party experience, location shoot for Marvel film and product launches such as Adidas trainer and Xbox game.
6. This wide portfolio of experience and contacts is indicative of standard and diversity of events envisaged at the Premises.

**APPLICATION**

7. The application seeks operating hours and licensable activities as follows:

	<b>Sale of Alcohol</b>	<b>Plays, Films, Performance of dance, Live &amp; Recorded Music &amp; anything similar</b>	<b>Late Night Refreshment</b>	<b>Opening Hours</b>
<b>Monday to Saturday</b>	10:00 – 00:00	10:00 – 00:00	23:00 – 00:00	10:00 – 00:30
<b>Sunday</b>	12:00 – 23:30	10:00 - 00:00	23:00 – 23:30	10:00 - 00:30

8. Following consultation with the Metropolitan Police Service, the following **additional conditions** have been agreed, resulting in no representation being made by the Police:

5.1 *There must be at the premises a lockable drugs box to which no member of staff, save the DPS and/or named designated person, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.*

5.2 *A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open and carrying out licensable activity and they must correctly display their SIA licences when on duty so as to be visible*

5.3 *The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers.*

5.4 *As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pub watch or other local crime reduction scheme approved by the police*

9. Following consultation with Environmental Protection, the following **additional condition and amendment** have been agreed, resulting in no representation being made by Environmental Protection:

*“A Noise Limiter must be fitted to the musical amplification system set at a determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.*

*Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to **10 persons**<sup>1</sup> at any one time. Smokers will be directed to smoke in a designated area near the Elephant Gates.”*

10. Following consideration of the Friends of St Katherine’s Dock representation and those of local residents, the following **additional conditions and amendments** are agreed:

- a. *Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises. The Licensee shall implement an external area supervision policy and a dispersal policy, a record of which shall be kept on the premises and made available for inspection to the licensing authority and the police.*
- b. *All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose (including tables, chairs, benches, heaters, canopies or any similar structures) save for access and egress and for access to the designated smoking area by the elephant gates.*
- c. *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **21.00** hours and **09.00** hours on the following day<sup>2</sup>.*
- d. *No deliveries to the premises shall take place between **21:00** and **09:00** on the following day.”*
- e. *A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not*

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<sup>1</sup> A reduction from 14 offered as part of the application.

<sup>2</sup> Reduced on agreement with the Friends (same reduction on delivery times)

*be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.*

- f. *Loudspeakers shall not be located in the entrance lobby or outside the premises building.*
- g. *All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*
- h. *There shall be no admittance or re-admittance to the premises after 22:30 hours Monday to Saturday and 22:00 hours Sunday except for patrons permitted to temporarily leave the premises to smoke.*
- i. *There shall be no sales of alcohol for consumption off the premises after 23.00.*
- j. *Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.*
- k. *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the “designated area” should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.*
- l. *The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the walkways and common areas in the Dock. Queuing outside the premises shall be restricted to a designated area to be agreed between the landlord and the applicant.*
- m. *All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.*
- n. *No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the*

*purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section: 'Directly' means - employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means - the area.*

11. The only conditions which have not been agreed are:

- a) The requirement for a 'works' condition. This is only standard in Westminster and is inappropriate here as there have been no representations from the Responsible Authorities; and
- b) That SIA should be employed at all times when the premises are open, rather than when it is open for licensable activities. This cannot be agreed as some activities are not licensable e.g. film or location shoots

12. The hours requested by the Friends of Katharine Docks cannot be agreed. The applicant has taken great care in considering the hours applied for, both in terms of what is commercially viable, but also what is suitable for the Premises and the area. Conditions have been offered in the application to minimise any position impact on local residents in line with Policy paragraph 14.11 and further concessions have been made by additional conditions agreed and of course are those previously permitted at the Premises.

13. Ben Gamble has met with Sue Hughes and a subsequent call and another meeting was offered to discuss outstanding points. We hope that due to the pre-application and statutory consultation process that the vast majority of the concerns have now been addressed, including:

- c) No app based or other food deliveries from the premises;
- d) The appointment of an independent acoustic consultant;
- e) A potential capacity of 700 being reduced to a maximum of 450 (the lapsed licence had no capacity limit);
- f) The type of events having been clarified;
- g) Conditions addressing dispersal including a dispersal plan; and
- h) No take-away or drinking outside.

## **INDIVIDUAL REPRESENTATIONS**

14. Representations have been submitted objecting to the application by The Friends of St Katharine Docks and 25 local residents. One representation has been submitted in support from the freeholders of Ivory House.

15. The applicant is keen to foster an amicable relationship with the residents and is hopeful that they will find the Premises to be one that they themselves come to use and welcome to the

docks. To that end, the applicant envisages that the venue can be also made available for appropriate community use.

16. A number of particular concerns are a common theme amongst the representations made; the applicant is keen to acknowledge these and can address these by adding the following conditions:

Issue	Conditions addressing concerns
<b>(a) Queues/obstructions</b>	<p>The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the walkways and common areas in the Dock. Queuing outside the premises shall be restricted to a designated area to be agreed between the landlord and the applicant.</p> <p>Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises. The Licensee shall implement an external area supervision policy and a dispersal policy, a record of which shall be kept on the premises and made available for inspection to the licensing authority and the police.</p>
<b>(b) Entrance to basement being a few metres away residential lobby to Ivory House and people following residents inside</b>	<p>See (a) above.</p> <p>A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.</p> <p>A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open and carrying out licensable activity and they must correctly display their SIA licences when on duty so as to be visible.</p>
<b>(c) Noise – including yelling and shouting outside – acoustics</b>	<p>See (b) above.</p> <p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the “designated area” should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.</p>

<p><b>(d) Noise – amplified music reverberates through the building</b></p>	<p>A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.</p> <p>Loudspeakers shall not be located in the entrance lobby or outside the premises building.</p> <p>All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p> <p>No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.</p>
<p><b>(e) Smokers</b></p>	<p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time. Smokers will be directed to smoke in a designated area near the Elephant Gates.</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> <p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the “designated area” should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.</p>

<p><b>(f) Litter – including cigarettes and glass</b></p>	<p>During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.</p> <p>Food will not be sold for takeaway or delivery.</p>
<p><b>(g) Large numbers of people congregating in the external area which has no designated controls</b></p>	<p>See (a) and (b) above.</p> <p>See Dispersal Plan.</p>
<p><b>(h) Obstruction of walkways</b></p>	<p>See (a) and (b) above.</p> <p>See Dispersal Plan.</p>
<p><b>(i) Failure of previous management to control customer</b></p>	<p>See applicant’s experience at paragraphs 4 – 6 above.</p> <p>See section 4.7 of Policy re. consideration on individual merits.</p>
<p><b>(j) Blocking roundabout/turning area outside Ivory House with deliveries</b></p>	<p>See section 5 of Dispersal Policy</p>
<p><b>(k) Concerns about generic event space which could effectively mean anything can take place</b></p>	<p>Events envisaged include, inter alia: Product Launches, Conferences, Exhibitions, Location shooting (for film/TV), brunches, comedy nights, acoustic nights, pop up art galleries, auctions, poetry nights, wellness festivals, sporting screenings, workshops, seminars, reunions, streamed virtual events, yoga events, fundraising events, gala dinners, community events, meetings, theatre shows, immersive theatre shows, art installations.</p> <p>The events envisaged will be in keeping with the dock and location.</p> <p>All events will follow a vetting procedure for suitability, which includes:</p> <ul style="list-style-type: none"> <li>- The nature of the event (i.e. corporate event/launch party etc)</li> <li>- The numbers of people to be invited</li> </ul>

	<ul style="list-style-type: none"> <li>- The style of music to be played (if applicable)</li> <li>- A full guest list prior to the event (unless special exception granted)</li> <li>- The name/address/email/number/ID of organiser</li> <li>- Whether any tickets are being sold/if so where are they been sold?</li> <li>- A copy of the invitation prior to the event</li> <li>- Persons holding the event will be advised that: every event will be subject to our risk assessment of each event, an invitation does not guarantee entry and any event will be monitored throughout and could, should the management feel appropriate be stopped at any time.</li> </ul> <p>See applicant's experience at paragraphs 4 – 6.</p>
<p><b>(I) Concern re. delivery service</b></p>	<p>Food will not be sold for takeaway or delivery.</p>

## POLICY

### (a) GENERAL

17. Paragraph 4.7 of the Policy is clear: *“Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its **individual merits**...”* Whilst there are understandable concerns with a previous operator, that should not detract from the application package presented for consideration by the Licensing Sub-Committee.
18. Paragraph 4.9 recognises the impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
19. Paragraph 4.14 of the Policy acknowledges *“Licensing laws are **not the primary method** of controlling anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, they are a key aspect of such control and will always be part of **an overall approach** to the management of the evening and night time economy.”*
20. And Paragraph 14.6 of the Policy: *“The Licensing Authority recognises the **positive benefits** that the leisure industry brings to the Borough. This includes not just jobs and associated regeneration but also through music, dance and other entertainment that celebrates the rich mixture of cultural diversity and creativity that exists in the Borough.”* Such benefits fall to

be included in the evaluation as to what is reasonably acceptable in a particular location and the weighing of competing considerations in determining an application (see Hope and Glory further below).

**(b) LOCATION**

21. The Premises is **not** located in any of the Borough’s designated Cumulative Impact Zones.

22. The Premises is situated within a live marina. The area has mixed uses, including restaurants, bars, retail and residential in the close vicinity. It has “significant dock and river use”.

**(c) FRAMEWORK HOURS**

*"Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, **will be decided on their own merits** and with particular regard to the following<sup>3</sup>:..."*

Particular regard to...	Specifics of Application addressing these factors
(a) The location of the premises and the general character of the area in which the premises are situated (i.e. does the area include residential or business premises likely to be adversely affected).	The Premises in a busy marina with commercial (retail, food & beverage) and residential uses in the vicinity.  <b>See Dispersal plan.</b>
(b) The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises.	Monday to Saturdays all licensable activities will cease at midnight, with the Premises closing 30 minutes thereafter. On a Sunday, alcohol and late night refreshment will cease 1 hour prior to closing. As per the lapsed licence.
(c) The adequacy of the applicant’s proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.	See proposed conditions in Operating Schedule and additional conditions agreed with the Police and Environmental Protection Team resulting in no representations made by these Responsible Authorities.
(d) Where the premises have been previously licenced, the past operation of the premises.	The Premises was previously licensed by another operating who went into insolvency.

<sup>3</sup> Policy paragraph 14.8

(e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.	Proximity to Tower Hill tube, Tower Gateway (DLP), TfL buses and taxi/private car service as per section 4 of the Dispersal Policy
(f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.	See Appendix 4 of Officer's Report (pages 62 – 63).

## **POLICE**

23. No representation submitted.

## **ENVIRONMENTAL PROTECTION**

24. No representation submitted.

## **LICENSING AUTHORITY**

25. No representation submitted.

## **ACOUSTIC SURVEY**

26. In light of the noise concerns raised by residents, the applicant has commissioned an Independent Acoustic Survey to be undertaken to address and alleviate noise concerns. Access has generously been afforded to Mr Penfold's residence (representation – Appendix 8 of the Report) to allow the Acoustic Engineer to take readings and provide an Acoustic Report. This has been scheduled for Wednesday 2 March and the applicant is hopeful to receive that report and circulate it ahead of the hearing.

## **CONCLUSION**

27. The Premises has previously been licensed to the hours applied for, with no capacity limit and no restrictions on off sales. That licence would be in place but for the insolvency of the previous licence holder resulting in the licence lapsing recently. The benefit is that the premises with far more controls and conditions (including a capacity limited to 450) and an operator who is willing and able to enforce them.

28. The responsible authorities have not objected and appropriate weight should be put on that fact.

29. The Premises is located outside of any designated Special Policy Area and within a busy mixed use marina location, with commercial and residential uses in the immediate vicinity.

30. The Applicant has met the Friends of St Katherine's Dock, sent them a draft of the application and the vast majority of their conditions are agreed.

**2 March 2022**

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